IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Bail Appl..No. 357 of 2007()

AGAINST THE ORDER DATED 07/12/2006 IN CMP 6241/2006 & CMP.6240/2006 of J.M.F.C.,ALATHUR

.....

: PETITIONER

ABDUL RAZAK S/O.KIDAR MUHAMMED,
36 YEARS, PALLIMEDU, ATHICODE,
CHITTOOR.(CUSTODY)

BY ADV. SRI.M.V.PAULOSE

RESPONDENT:

CIRCLE INSPECTOR OF POLICE,
VADAKKENCHERY POLICE STATION.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 357 OF 2007

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DATED THIS THE 2nd DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 4th accused in Crime No.579/06 of Vadakkancherry Police Station for an offence punishable under section 55(a) of the Abkari act for allegedly facilitating transportation of 11800 litres of spirit on 5.12.2006 and who was arrested on 5.12.2006, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application, he fairly conceded that final report has not been filed in the case even after 60 days of detention of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.,Alathur and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to

tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn